

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of
LB Cable Georgia LLC
Operator of Cable Systems in the State of Georgia
Request for Waiver of Section 11.11(a) of the
Commission's Rules
File No.: EB-04-HS-019

ORDER

Adopted: June 28, 2004

Released: June 30, 2004

By the: Director, Office of Homeland Security, Enforcement Bureau

1. In this Order, we grant LB Cable Georgia LLC (LB Cable Georgia) temporary waivers of section 11.11(a) of the Federal Communications Commission's (Commission) rules (Rules) for 35 cable television systems listed in Attachment A. Section 11.11(a) of the Rules requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level Emergency Alert System ("EAS") messages on all programmed channels or install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel by October 1, 2002.

2. The Cable Act of 1992 added new section 624(g) to the Communications Act of 1934, as amended and required that cable systems be capable of providing EAS alerts to their subscribers. In 1994, the Commission adopted rules requiring cable systems to participate in EAS. In 1997, the Commission amended the EAS rules to provide financial relief for small cable systems. The Commission declined to exempt small cable systems from the EAS requirements entirely, however,

1 47 C.F.R. § 11.11(a).

2 Id.

3 The Communications Act of 1934 was amended by the Telecommunications Act of 1996. Pub. L. No. 104-104, 110 Stat. 56 (1996) (1996 Act).

4 Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that "each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations ...." 47 U.S.C. § 544(g).

5 Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Report and Order and Further Notice of Proposed Rule Making, 10 FCC Rcd 1786 (1994), reconsideration granted in part, denied in part, 10 FCC Rcd 11494 (1995).

6 Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Second Report and Order, 12 FCC Rcd 15503 (1997).

concluding that such an exemption would be inconsistent with the statutory mandate of section 624(g).<sup>7</sup> The amended rules extended the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules to October 1, 2002, and provided cable systems serving fewer than 5,000 subscribers the option of either providing national level EAS messages on all programmed channels or installing EAS equipment and providing a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel.<sup>8</sup> In addition, the Commission stated that it would grant waivers of the EAS rules to small cable systems on a case-by-case basis upon a showing of financial hardship.<sup>9</sup>

3. On March 2, 2004, LB Cable Georgia filed a request for temporary waivers of the EAS requirements for the recently acquired small cable systems in rural Georgia, asserting that the cost of immediate installation of EAS equipment in the 35 systems would cause financial hardship. LB Cable Georgia states that it acquired the 35 cable systems in a bankruptcy sale in February 2004, and therefore, has not had enough time to generate sufficient revenue to purchase and install EAS equipment at this time. Based on price quotes from EAS equipment manufacturers, LB Cable Georgia estimates that it would cost approximately \$350,000 to purchase and install the EAS at the 35 headends. LB Cable Georgia asserts that, without the requested waivers, it may have to delay or cancel its plans to upgrade and interconnect the 35 headends which would delay or eliminate the delivery of broadband services to over 6,200 rural subscribers. Finally, LB Cable Georgia contends that subscribers will continue to have ready access to national EAS information from other sources, including its cable system and over-the-air reception of broadcast television and radio stations.

4. Based on our review of the information submitted by LB Cable Georgia, we conclude that temporary waivers of section 11.11(a) of the Rules for the 35 cable systems listed in Attachment A, is warranted. In particular, we find that the estimated cost of \$350,000 to purchase and install EAS equipment at these recently acquired cable television systems could impose a financial hardship on LB Cable Georgia.

5. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.111, 0.204(b) and 0.311 of the rules,<sup>10</sup> LB Cable Georgia LLC's request for temporary waivers of section 11.11(a) of the rules is **GRANTED** until October 1, 2005, for its 35 cable television systems listed in Attachment A.<sup>11</sup>

6. **IT IS FURTHER ORDERED** that LB Cable Georgia LLC place a copy of this waiver in its system files.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to counsel for LB Cable Georgia LLC, Christopher C. Cinnamon, Esq., Cinnamon Muller, 307 North Michigan Avenue, Suite 1020, Chicago, Illinois 60601.

FEDERAL COMMUNICATIONS COMMISSION

James A. Dailey

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<sup>7</sup> *Id.* at 15512-13.

<sup>8</sup> *Id.* at 15516-15518.

<sup>9</sup> *Id.* at 15513.

<sup>10</sup> 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.

<sup>11</sup> We clarify that these waivers also encompass the EAS testing and monitoring requirements.

Director, Office of Homeland Security  
Enforcement Bureau

**ATTACHMENT A**

**Cable Systems in Georgia**

**Temporary Waiver Granted Until**

Arabi	October 1, 2005
Attapulgus	October 1, 2005
Berlin	October 1, 2005
Chauncey	October 1, 2005
Chester	October 1, 2005
Climax	October 1, 2005
Collins	October 1, 2005
Colquitt	October 1, 2005
E. Baldwin Co.	October 1, 2005
Flint River	October 1, 2005
Gibson	October 1, 2005
Gordon	October 1, 2005
Hoboken	October 1, 2005
Iron City	October 1, 2005
Irwinton	October 1, 2005
Jeffersonville	October 1, 2005
Jones Co.	October 1, 2005
Midville	October 1, 2005
Milan	October 1, 2005
N. Baldwin	October 1, 2005
Newton City	October 1, 2005
Oak Park	October 1, 2005
Pineview	October 1, 2005
Pitts	October 1, 2005
Portal	October 1, 2005
Rebecca	October 1, 2005
Recovery	October 1, 2005
Rhine	October 1, 2005
Sardis	October 1, 2005
Seminole	October 1, 2005
Stapleton	October 1, 2005
Stillmore	October 1, 2005
Surrency	October 1, 2005
Toombsboro	October 1, 2005
Uvalda	October 1, 2005
Warwick	October 1, 2005
Whigham	October 1, 2005
Wiley Acres	October 1, 2005